

# Exhibit 42

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ) MDL No. 2843  
)  
FACEBOOK, INC. CONSUMER ) Case No. 18-md-02843-  
PRIVACY USER PROFILE ) VC-JSC  
LITIGATION )  
----- )

HIGHLY CONFIDENTIAL

ATTORNEYS' EYES ONLY

SPECIAL MASTER: DANIEL GARRIE

REMOTE HEARING  
(Via Zoom Videoconference)  
Wednesday, March 9, 2022

REPORTED BY: Michelle Milan Fulmer  
CSR No. 6942, RPR, CRR, CRC

UNITED STATES DISTRICT COURT  
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Remote hearing taken before Michelle Milan  
Fulmer, a Certified Shorthand Reporter for the  
State of California, commencing at 10:20 a.m.,  
Pacific Standard Time, Wednesday, March 9, 2022.

1 APPEARANCES OF COUNSEL:

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(Via Zoom Videoconference)

ALSO PRESENT:

Michael Mann

David Ko

(Via Zoom Videoconference)

1 Wednesday, March 9, 2022

2 10:20 a.m. - 2:28 p.m.

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4 MR. GARRIE: We will go on the record.  
5 We will take breaks for the court reporter's sake  
6 every 45 minutes to an hour basis. I lose track of  
7 time, Michelle. So you need to tell me because I  
8 get engrossed in something and time becomes  
9 irrelevant. So if you would just kindly remind me.  
10 It's not that I don't want to give anybody a break.  
11 It's just that I get -- I lose track of time. So I  
12 apologize.

13 So on the record, let's just test  
14 everybody's audio for the record.

15 Mr. Patel, just say a couple words.

16 MR. PATEL: Hello, everybody.

17 MR. GARRIE: Court Reporter, we're good?

18 THE COURT REPORTER: Yes.

19 MR. GARRIE: Okay. Mr. Zarashaw.

20 MR. ZARASHAW: Good morning.

21 MR. GARRIE: We're good.

22 Mr. Mitchell.

23 MR. MITCHELL: Good morning.

24 MR. GARRIE: Mr. Clark.

25 MR. CLARK: Good morning.

1 MR. GARRIE: All right. This is  
2 Special Master Daniel Garrie.

3 The purpose of today's hearing is to  
4 discuss, and only today, hopefully no further  
5 hearings are necessary, regarding named plaintiff  
6 data that was the order that was issued and  
7 attempting to identify and figure out what are the  
8 appropriate scope of data within the discoverable  
9 data pursuant to the court's order relating to the  
10 named plaintiff data that is to be produced in this  
11 litigation.

12 Today's format is I will largely be asking  
13 questions of the engineers. I have invited counsel  
14 for Facebook to object if I go into anything of a  
15 privileged nature as well as instructed the  
16 witnesses to ask if they have any questions, to ask  
17 any clarifying questions; if they think something  
18 they're saying may be privileged, to ask to speak to  
19 counsel. We have breakout rooms. We'll go  
20 accordingly and have those conversations.

21 With all of that said, I first want to just  
22 officially on the record recognize and thank  
23 Facebook for accommodating an accelerated timeline  
24 for a very complex set of problems. I don't want  
25 to -- I realize litigation has been going on for

1 some time. I realize there's a lot of history here,  
2 but I also recognize that two weeks isn't a lot of  
3 time to answer all of the questions, or even a month  
4 to answer in detail the technical questions that  
5 I've asked.

6 So the answers and data that has been  
7 provided is very helpful. I want to thank Facebook  
8 for making that effort, making the engineering  
9 resources available. It's certainly helping  
10 expedite things and move things along and I wanted  
11 to officially recognize that on the record.

12 With that said, counsel will not be asking  
13 questions. If there is a burning desire for counsel  
14 to ask a question, you can raise your hand and I  
15 will, when I'm done with my questions, invite  
16 questions accordingly and, if I think they're  
17 appropriate, then we will ask them. Nobody will ask  
18 the engineers questions, but me.

19 I did invite counsel for plaintiffs to  
20 provide questions and material and I reviewed them.  
21 Some of them I think are relevant. Some I do not.  
22 I will use them accordingly. I do want to thank  
23 plaintiffs as well for going out of their way to  
24 help identify appropriate questions as it relates to  
25 this issue we have before us now.

1 With all of that said, I'm going to jump  
2 right in to lay out the format of how I'm --

3 MS. WEAVER: I apologize for interrupting,  
4 but do you want to swear in the witnesses?

5 MR. GARRIE: I will. Thank you for  
6 reminding me. I often forget. There's usually a  
7 court reporter and I'm not the one usually doing it.  
8 So there's usually --

9 Would the court reporter swear in? I guess  
10 I don't know if we can group swear in, but whatever  
11 is comfortable, however the court reporter thinks  
12 best, swear in the witnesses.

13 THE COURT REPORTER: Okay. And,  
14 Mr. Garrie, are you going to be asking questions  
15 of Mr. Patel, and then the next time Mr. Clark,  
16 et cetera?

17 MR. GARRIE: Oh, no.

18 THE COURT REPORTER: Oh, okay.

19 MR. GARRIE: It's going to be a  
20 free-for-all. I'm not sure who knows what. So I  
21 don't want to -- they know way more about Facebook  
22 and the engineering systems than I ever will. So I  
23 don't know which one of the four will be best  
24 situated. So I'll direct the question to who I  
25 believe and they can go around and say, "I have

1 same, as appropriate.

2 MS. RING: Thank you.

3 Look, the desire is to have a helpful  
4 response. It's easier to do that with a little more  
5 time. That's all. So thank you.

6 MR. GARRIE: Yeah. Noted for the record,  
7 certainly.

8 And we'll go off the record here, unless  
9 anybody has anything else to say.

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11 (Whereupon, the hearing ended at 2:28 p.m. PST)

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CERTIFICATION OF COURT REPORTER

FEDERAL JURAT

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof. I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name: Date: March 14, 2022.



Michelle Milan Fulmer

CSR 6942, RPR, CRR, CRC